

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION
(PCT Rule 61.2)

Date of mailing (day/month/year) 09 February 2001 (09.02.01)	To: Commissioner US Department of Commerce United States Patent and Trademark Office, PCT 2011 South Clark Place Room CP2/5C24 Arlington, VA 22202 ETATS-UNIS D'AMERIQUE in its capacity as elected Office
International application No. PCT/AU00/00640	Applicant's or agent's file reference 2155D
International filing date (day/month/year) 07 June 2000 (07.06.00)	Priority date (day/month/year) 07 June 1999 (07.06.99)
Applicant EVANS, Peter, Eric	

1. The designated Office is hereby notified of its election made:

in the demand filed with the International Preliminary Examining Authority on:

05 January 2001 (05.01.01)

in a notice effecting later election filed with the International Bureau on:

2. The election was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer A. Karkachi Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

Date of mailing (day/month/year) 09 February 2001 (09.02.01)
Applicant's or agent's file reference 2155D
International application No. PCT/AU00/00640

To: HODGKINSON OLD McINNES Level 3, 20 Alfred Street Milsons Point, NSW 2061 AUSTRALIE
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IMPORTANT NOTIFICATION

International filing date (day/month/year) 07 June 2000 (07.06.00)

1. The following indications appeared on record concerning:

the applicant the inventor the agent the common representative

Name and Address H.R. HODGKINSON & CO. Level 3, 20 Alfred Street Milsons Point, New South Wales 2061 Australia	State of Nationality	State of Residence
	Telephone No. (02) 9922 3199	
	Facsimile No. (02) 9956 6448	
	Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

the person the name the address the nationality the residence

Name and Address HODGKINSON OLD McINNES Level 3, 20 Alfred Street Milsons Point, NSW 2061 Australia	State of Nationality	State of Residence
	Telephone No. (02) 9922 3199	
	Facsimile No. (02) 9956 6448	
	Teleprinter No.	

3. Further observations, if necessary:

The agent's new name has been considered as a change under Rule 92bis. In case of disagreement, the International Bureau should be notified immediately.

4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned
<input checked="" type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer A. Karkachi Telephone No.: (41-22) 338.83.38
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100%

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 11 APR 2001
WIPO PCT

Applicant's or agent's file reference 2155d	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU00/00640	International Filing Date (day/month/year) 7 June 2000	Priority Date (day/month/year) 7 June 1999
International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 E01F 9/012, 9/013, 13/02		
Applicant EVANS, Peter Eric		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																
2. This REPORT consists of a total of 3 sheets, including this cover sheet.																
<input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).																
These annexes consist of a total of 4 sheet(s).																
3. This report contains indications relating to the following items:																
<table> <tr> <td>I</td> <td><input checked="" type="checkbox"/> Basis of the report</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/> Priority</td> </tr> <tr> <td>III</td> <td><input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/> Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/> Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/> Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input type="checkbox"/> Certain observations on the international application</td> </tr> </table>	I	<input checked="" type="checkbox"/> Basis of the report	II	<input type="checkbox"/> Priority	III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/> Lack of unity of invention	V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/> Certain documents cited	VII	<input type="checkbox"/> Certain defects in the international application	VIII	<input type="checkbox"/> Certain observations on the international application
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VII	<input type="checkbox"/> Certain defects in the international application															
VIII	<input type="checkbox"/> Certain observations on the international application															

Date of submission of the demand 5 January 2001	Date of completion of the report 30 March 2001
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  DAVID LEE Telephone No. (02) 6283 2107

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU00/00640

I. Basis of the report

1. With regard to the elements of the international application:*

the international application as originally filed.

the description, pages 1,3,4, as originally filed,
pages , filed with the demand,
pages 2,2a , received on 20 March 2001 with the letter of 20 March 2001

the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 5,6, received on 20 March 2001 with the letter of 20 March 2001

the drawings, pages 1,2, as originally filed,
pages , filed with the demand,
pages , received on with the letter of

the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

the description, pages

the claims, Nos.

the drawings, sheets/fig.

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report**

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement		
Novelty (N)	Claims 1-12	YES
	Claims	NO
Inventive step (IS)	Claims 1-12	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-12	YES
	Claims	NO
2. Citations and explanations (Rule 70.7)		
EP 141564, EP 380272, US 5860386.		
<u>Novelty & Inventive step - Claims 1-12</u>		
The claims now define a preformed device that differs from the citations, and a device that performs different functions entirely from the citations.		
Hence, these claims are novel and have an inventive step.		

INTERNATIONAL SEARCH REPORT

International application No.
PCT/AU00/00640

A. CLASSIFICATION OF SUBJECT MATTER

Int. Cl. 7: E01F 9/012, 9/013, 13/02

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC(7) : E01F 9/012, 9/013, 13/02, 9/016, 13/00

IPC (5) : E01F 9/01

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
AU : IPC AS ABOVE

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 4852511 A (LOOK) 1 August 1989	1
A,P	JP 11241321 A (TEKKEN KENSETSU KK) 7 September 1999	1,5
X	EP 141564 A2 (GLASDON Ltd) 15 May 1985	5
X	EP 380272 A1 (YAMAMOTO Co.) 1 August 1990	5
X	US 5860386 A (SCHWAB) 19 January 1999	5
	+++++	

Further documents are listed in the continuation of Box C See patent family annex

* Special categories of cited documents:		
"A" document defining the general state of the art which is not considered to be of particular relevance	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent but published on or after the international filing date	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&"	document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search
11 August 2000

Date of mailing of the international search report

18 AUGUST 2000

Name and mailing address of the ISA/AU
AUSTRALIAN PATENT OFFICE
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Authorized officer



DAVID LEE

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INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/AU00/00640

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report			Patent Family Member		
US	4852511	NONE			
JP	11241321	NONE			
EP	141564	GB	2148359		
EP	380272	JP	2194282	US	5020764
US	5860386	NONE			

END OF ANNEX